

## Article - Environment

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§6–817.

(a) (1) Except for properties constructed between January 1, 1950, and December 31, 1977, both inclusive, on and after February 24, 2001, an owner of affected properties shall ensure that at least 50% of the owner's affected properties have satisfied the risk reduction standard specified in § 6–815(a) of this subtitle, without regard to the number of affected properties in which there has been a change in occupancy.

(2) (i) Notwithstanding any other remedy that may be available, an owner who fails to meet the requirements of subsections (a)(1) and (c) of this section shall lose the liability protection under § 6–836 of this subtitle for any alleged injury or loss caused by the ingestion of lead by a person at risk that is first documented by a test for EBL of 20 µg/dl or more performed between February 24, 2001 and February 23, 2006, inclusive, or 15 µg/dl or more performed on or after February 24, 2006, in any of the owner's units that have not satisfied the risk reduction standard specified in § 6–815(a) of this subtitle and the inspection requirement of subsection (c) of this section.

(ii) On or after the date that the owner meets the requirements of subsections (a)(1) and (c) of this section, the liability protection under § 6–836 of this subtitle shall be reinstated for any alleged injury or loss caused by the ingestion of lead by a person at risk that is first documented by a test for EBL of 20 µg/dl or more performed between February 24, 2001 and February 23, 2006, inclusive, or 15 µg/dl or more performed on or after February 24, 2006.

(b) (1) Except for properties constructed between January 1, 1950, and December 31, 1977, both inclusive, on and after February 24, 2006, an owner of affected properties shall ensure that 100% of the owner's affected properties in which a person at risk resides, and of whom the owner has been notified in writing, have satisfied the risk reduction standard specified in § 6–815(a) of this subtitle.

(2) (i) Notwithstanding any other remedy that may be available, an owner who fails to meet the requirements of paragraph (1) of this subsection and subsection (c) of this section, or of § 6–819(f) of this subtitle shall lose the liability protection under § 6–836 of this subtitle for any alleged injury or loss caused by the ingestion of lead by a person at risk that is first documented by a test for EBL of 15 µg/dl or more on or after February 24, 2006 in any of the owner's units that have not satisfied the risk reduction standard specified in § 6–815(a) of this subtitle, the

inspection requirement of subsection (c) of this section, or the modified risk reduction standard specified in § 6–819(a) of this subtitle, as applicable.

(ii) The liability protection under § 6–836 of this subtitle shall be reinstated for any alleged injury or loss caused by the ingestion of lead that is first documented by a test for EBL of 15 µg/dl or more after the date that the owner meets the requirements of paragraph (1) of this subsection, subsection (c) of this section, and the requirements of § 6–819(f) of this subtitle.

(iii) The provisions of this paragraph do not apply if the owner proves that the noncompliance results from:

1. A tenant’s lack of cooperation with the owner’s compliance efforts; or

2. Legal action affecting access to the unit.

(3) Notice given under paragraph (1) of this subsection shall be sent by:

(i) Certified mail, return receipt requested; or

(ii) A verifiable method approved by the Department.

(c) On each occasion that an affected property which has not undergone a change in occupancy is treated to satisfy the requirements of this section, the owner of the affected property shall have the property inspected to verify that the risk reduction standard specified in § 6–815(a) of this subtitle has been satisfied.

(d) The owner of an affected property shall be responsible for the cost of any temporary relocation of the tenants of the affected property that is necessary to fulfill the requirements of this section.

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